

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claim 1 as directed. No other claims have been amended. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Examiner Objections – Specification**

The specification was objected to because the abstract does not commence on a separate sheet. The Applicant thanks the Examiner for his careful review of the specification. In response, the Applicant has modified the specification as suggested by the Examiner. The Examiner's consideration of the amendments to the specification is respectfully requested.

### **Examiner Objections - Claims**

Claim 1 was objected to because of informality. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nishi (US 2001/0027484 A1). The Applicant respectfully traverses the rejection of these claims.

The Applicant notes that in the first sentence of paragraph 5 of the Detailed Action, Nishi is cited as anticipating the Applicant's claims 1-15. However in the second paragraph and the remaining paragraphs, the Rao reference is cited as disclosing the quality assured network service provision system. The Applicant respectfully submits

that the Nishi reference is the intended art used to reject the Applicant's claim and the response is directed at the Nishi reference.

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

The Applicant respectfully directs the Examiner's attention to claim 1:

1. (Currently Amended) A method for providing a predefined quality of service between two communication partners, wherein the two communication partners are connected by at least two connections, a first connection handled by a first network entity and a second connection handled by a second network entity, and wherein the method comprises the steps of:

receiving or defining a service level agreement in a service level specification,

distributing the service level specification to the first and the second network entity by means of partitioning or by means of replication; and

controlling the first and the second network entity and thus ensuring that the sum of the provided quality of service on said connections between the two communication partners does not exceed limits defined in the service level specification. (emphasis added)

The different network entities handling the connections are made aware of the service level specification applicable to the connection. The different entities handling the connection will be controlled to ensure that the sum of the quality of service of the at least two connections between the two communication partners does not exceed limits defined in the service level specification. The

Contrary to the Examiner's statement that all elements are disclosed in the Nishi reference, the element of "...the sum of the provided quality of service on said connections between the two communication partners does not exceed limits defined..." is not disclosed in the Nishi reference. The Applicant respectfully notes that "connections" refers back to the "at least two connections" recited in the preamble

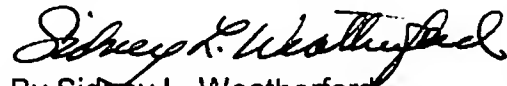
(Preambles that limit structure must be given patentable weight (MPEP 2111.02(I)). So, the rejection of claims 1-15 is unsupported by the art and the Applicant respectfully requests the allowance of claims 1-15.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: July 1, 2009

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